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## BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

AZ CORP COM

DOCKET CONTROL

BOB STUMP - Chairman

DOCKETED

GARY PIERCE

MAY 28 2014

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BRENDA BURNS

BOB BURNS

SUSAN BITTER SMITH

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
THE TOWN OF GILBERT TO UPGRADE  
EXISTING CROSSINGS OF THE UNION  
PACIFIC RAILROAD COMPANY AT COOPER  
ROAD, AAR/DOT NO. 741-816-D, AND AT  
GUADALUPE ROAD, AAR/DOT NO. 741-815-W,  
IN THE TOWN OF GILBERT, MARICOPA  
COUNTY, ARIZONA

DOCKET NO. RR-03639A-14-0157

ORIGINAL

PROCEDURAL ORDER  
(Schedules Hearing)

## BY THE COMMISSION:

On May 12, 2014, the Town of Gilbert ("Town") filed with the Arizona Corporation Commission ("Commission") an application for approval for Union Pacific Railroad Company ("Railroad") to upgrade the following existing crossings located at the Railroad's tracks: at Cooper Road in Gilbert, Arizona, at AAR/DOT NO. 741-816-D; and at Guadalupe Road in Gilbert, Arizona, at AAR/DOT NO. 741-815-W ("Application").

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the request of the Town of Gilbert shall be considered an application for the Railroad to upgrade an existing crossing pursuant to A.R.S. §§ 40-337, *et seq.*

IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this proceeding.

IT IS FURTHER ORDERED that the **hearing** on the application shall be held on **August 26, 2014, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 2, Phoenix, Arizona.

IT IS FURTHER ORDERED that within ten business days of receipt of this Procedural Order, **THE TOWN OF GILBERT SHALL PROVIDE THE RAILROAD AND ANY**

1 **MUNICIPALITY OR INTERESTED PARTY** that may be affected by the application with a copy  
2 of the application and this Procedural Order by certified mail.

3 IT IS FURTHER ORDERED that the Commission's Safety Division, Railroad Safety Section  
4 ("Staff") shall prepare a written **Staff Report and associated exhibits** to be presented at hearing and  
5 file copies of them with Docket Control on or before 4:00 p.m. on **August 8, 2014**.

6 IT IS FURTHER ORDERED that any **comments or objections to the Staff Report and**  
7 **associated exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00  
8 p.m. on **August 18, 2014**.

9 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
10 105, except that all motions to intervene must be filed on or before **July 23, 2014**.

11 IT IS FURTHER ORDERED that **the Town of Gilbert** shall provide **public notice** of the  
12 hearing in this matter, in the following form and style:

13 **IN THE MATTER OF THE APPLICATION OF THE TOWN OF**  
14 **GILBERT TO UPGRADE EXISTING CROSSINGS OF THE**  
15 **UNION PACIFIC RAILROAD COMPANY AT COOPER ROAD,**  
16 **AAR/DOT NO. 741-816-D, AND AT GUADALUPE ROAD,**  
17 **AAR/DOT NO. 741-815-W, IN THE TOWN OF GILBERT,**  
18 **MARICOPA COUNTY, ARIZONA**  
19 **(DOCKET NO. RR-03639A-14-0157)**

17 On May 12, 2014, the Town of Gilbert ("Town") filed with the Arizona Corporation  
18 Commission ("Commission") an application for approval for Union Pacific Railroad  
19 Company ("Railroad") to upgrade the following existing crossings located at the  
20 Railroad's tracks: at Cooper Road in Gilbert, Arizona, at AAR/DOT NO. 741-816-D;  
21 and at Guadalupe Road in Gilbert, Arizona, at AAR/DOT NO. 741-815-W.

20 The application is available for inspection during regular business hours at the  
21 Commission's offices, 1200 West Washington Street, Phoenix, Arizona, and on the  
22 internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

22 The Commission will hold a hearing on this matter commencing on August 26,  
23 2014, at 10:00 a.m., at the Commission's offices, 1200 West Washington Street,  
24 Hearing Room No. 2, Phoenix, Arizona. Public comments will be taken on the first  
25 day of the hearing.

25 The law provides for an open public hearing at which, under appropriate  
26 circumstances, interested parties may intervene. Intervention shall be permitted to  
27 any person entitled by law to intervene and having a direct and substantial interest in  
28 the matter. Persons desiring to intervene must file a written motion to intervene with  
the Commission, which motion should be sent to Applicant or its counsel and to all  
parties of record, and which, at the minimum, shall contain the following:

- 1        1.     The name, address, and telephone number of the proposed intervenor and of  
2        any party upon whom service of documents is to be made if different than the  
3        intervenor.
- 3        2.     A short statement of the proposed intervenor's interest in the proceeding (e.g.,  
4        a customer of Railroad, a neighboring property owner, a crossing user, etc.).
- 4        3.     A statement certifying that a copy of the motion to intervene has been mailed  
5        to the Applicant or its counsel and to all parties of record in the case.

6        The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
7        that all motions to intervene must be filed on or before July 23, 2014. The granting  
8        of intervention, among other things, entitles a party to present sworn evidence at  
9        hearing and to cross-examine other witnesses. However, failure to intervene will not  
10       preclude any interested party from appearing at the hearing and making a statement  
11       on such person's own behalf.

12       If you have any questions about this application, you may contact the Applicant at  
13       [insert telephone number]. If you wish to file written comments on the application  
14       or want further information on intervention, you may write the Consumer Services  
15       Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007, call  
16       602-542-4251 or 1-800-222-7000, or appear at the hearing and make comment.

17       The Commission does not discriminate on the basis of disability in admission to its  
18       public meetings. Persons with a disability may request a reasonable accommodation  
19       such as a sign language interpreter, as well as request this document in an  
20       alternative format, by contacting Shaylin Bernal, ADA Coordinator, voice phone  
21       number 602-542-3931, e-mail SABernal@azcc.gov. Requests should be made as  
22       early as possible to allow time to arrange the accommodation.

23       IT IS FURTHER ORDERED that the Town of Gilbert shall cause the above notice to be  
24       published at least once in a newspaper of general circulation in the city/county where the crossing is  
25       located, with **publication to be completed no later than July 9, 2014.**

26       IT IS FURTHER ORDERED that notice shall be deemed complete upon the  
27       mailing/publication of same, notwithstanding the failure of an individual or entity to read or receive  
28       the notice.

29       IT IS FURTHER ORDERED that **THE TOWN OF GILBERT SHALL FILE**  
30       **CERTIFICATION OF NOTICE WITH THE COMMISSION'S DOCKET CONTROL AS**  
31       **SOON AS PRACTICABLE** after the mailing/publication of notice ordered herein has been  
32       completed.

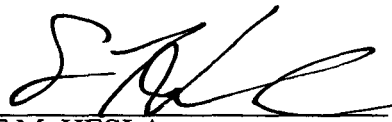
33       IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
34       Communications) applies to this proceeding as the matter is now set for public hearing.

IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to practice of law and admission *pro hac vice*.

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge.

IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 28<sup>th</sup> day of May, 2014.

  
SCOTT M. HESLA  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 28<sup>th</sup> day of May, 2014 to:

Tom Condit  
Town of Gilbert  
90 E. Civic Center Drive  
Gilbert, AZ 85296

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